

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 03-CR-80658-DT

GEORGE SINGLETON,

Defendant.

ORDER DENYING “MOTION FOR ORDER TO REFUND OVERPAYMENT”

Pending before the court is Defendant George Singleton’s “Motion for Order to Refund Overpayment,” filed on September 16, 2005. The government filed a response on September 28, 2005. For the reasons stated below, the court will deny the motion.

Defendant was sentenced on February 9, 2004 to 37 months imprisonment and ordered to pay a special assessment of \$400.00 and restitution in the amount of \$84,816.83. (2/09/04 Judgment at 6.) According to the terms of his judgment, payment was due on his restitution amount immediately. (*Id.* at 8.) In his current motion, Defendant argues that he has overpaid his monetary penalty and is entitled to a refund of \$2000.00. As proof, Defendant has submitted a document entitled “Inmate Financial Responsibility,” indicating that he has made restitution payments in the amount of \$84,816.83. (Def.’s Mot. Ex.) His final payment was made on August 3, 2005. (*Id.*) The government acknowledges that Defendant has fulfilled his monetary penalty, but contends that, after calculating the applicable interest, there was only an overpayment in the amount of \$2.79, which has already been refunded to Defendant. (Gov’t’s Br. at 2-3.)

Having reviewed the briefs, and the supporting exhibits, the court is not persuaded that Defendant is entitled to any further refunds from the government. Defendant's motion fails to account for interest due on his monetary penalty because he did not pay his restitution amount immediately. Accordingly,

IT IS ORDERED that Defendant's "Motion for Order to Refund Overpayment" [Dkt. # 31] is DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 17, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 17, 2005, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522